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Attorney for Defendant

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON**

UNITED STATES OF AMERICA,

No. 3:18-cr-00308-IM

Plaintiff,

v.

ANTHONY WAYNE DEWEY,

**DECLARATION OF COUNSEL
IN SUPPORT OF UNOPPOSED
MOTION TO CONTINUE
SENTENCING HEARING**

Defendant.

I, Francesca Freccero, declare:

1. I represent Anthony Wayne Dewey in the above-entitled case. He has pleaded guilty to two counts of having violated 18 U.S.C. § 2251. He is set for sentencing hearing on December 7, 2020.

2. The plea agreement in this case contemplates a joint recommendation of twenty-seven years' imprisonment. We have no contested

issues at sentencing. The draft Presentence Report (PSR) has been disseminated and it endorses the recommendation of the parties in regard to the term of imprisonment.

3. As noted in my declaration in support of previous motions to continue sentencing, Mr. Dewey's medical care while in federal custody has been the ongoing subject of hearings before the Honorable John V. Acosta, United States Magistrate Judge. Based on an order of the Court, the U.S. Marshal was to ensure that Mr. Dewey was seen by a neurologist. At some point not long after our first motion to continue sentencing, Mr. Dewey was examined by a neurologist who ordered follow-up testing.

4. Before my last motion to continue the sentencing hearing, Mr. Dewey advised me that nursing staff has been attentive to his medical needs. He is taking a new anti-seizure medication that was discussed at his previous appointment with a neurologist. He has been provided a wheelchair. Staff had advised him before our June hearing date that he was scheduled for additional medical testing as had been recommended at his last outside medical examination, but that testing had been postponed because of new precautions regarding the COVID19 outbreak. He was advised that the testing would be accomplished when more typical medical appointments resume.

5. In the time since my last motion to continue, typical operations have not resumed at FDC Sheridan, but Mr. Dewey was taken to the hospital for a neurological exam. While being examined, he suffered the type of seizures that had prompted the need for the examination in the first instance. I understand from Mr. Dewey that, as a result, additional testing is scheduled. We have requested but not yet received the records from the hospital concerning the recent tests and the conclusions drawn from them.

6. The results of the neurology examination and additional follow-up at the Willamette Valley Hospital may be important to Mr. Dewey's ongoing medical care while in BOP custody for many years to come. It has taken considerable effort by Mr. Dewey with the assistance of this Court to get to this stage of medical care, and it would be detrimental to Mr. Dewey to interrupt that progress. Accordingly, we again ask to postpone the sentencing hearing so that Mr. Dewey is not moved from FDC Sheridan before the contemplated medical testing and recommendations have been completed.

7. In addition, prevailing conditions have continued to prevent undersigned counsel from meeting in person with Mr. Dewey to discuss the draft PSR. Given the nature of the allegations, it is not a report that I will send into a prison environment. I seek additional time before the sentencing

hearing to be sure Mr. Dewey has the opportunity to review the PSR before his sentencing hearing.

8. The government, through Assistant U.S. Attorney Natalie Wight, does not object.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge and belief and that this declaration was executed on November 13, 2020, in Portland, Oregon.

/s/ *Francesca Freccero*
Francesca Freccero
Assistant Federal Public Defender